

**From:** [Michael D. St. Amand](#)  
**To:** [Quackenbush, Andrew](#); [Megan E. Quisao](#)  
**Cc:** [Salas, Stevie](#); [Matoy, Jeanna](#)  
**Subject:** RE: 3433126  
**Date:** Wednesday, September 5, 2018 2:35:25 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[GSC 9-5-2018.pdf](#)

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Andy,

Good question and no good answer.

Basically, there is no absolute way to create a “safe harbor” from potential excess exposure.

Georgia law simply requires that the carrier act in a manner that holds the interests of its insured at least equal to its own.

Case law allows the carrier to settle certain claims to the detriment of others so long as the carrier is acting in good faith. So – a carrier ought not to settle a stubbed toe claim for limits to the detriment of 2 death claims. That would unnecessarily expose the insured to excess. But, there are cases that say the carrier can settle claims as they are presented, so you do not need to wait 2 years for someone to present a claim.

In a situation like what we have here, the carrier should act reasonably to attempt to treat all claimants fairly and to minimize the insured’s potential “personal” exposure.

Scheduling a global settlement conference has become the “go to” choice to resolve multiple high exposure losses where there are not enough limits.

By scheduling the conference and tendering limits, we are doing everything we can reasonably do to accomplish our goals.

Plus – we are asking for all claimants to present their injury claims, document injuries and special damages, identify other available insurance (UM), and identify liens that need to be addressed.

Many times, the first claimants to have demanded limits squawk but eventually capitulate. Also, we run into child support liens and other twists that do not always allow us to resolve on the first go round.

In this instance, with 3 fatalities and others with unknown injuries and damages, my belief is this is the best option. If we later find out the other claims are de minimis, we can reassess and allocate the limits to the fatalities. I have made a change to the proposed letter to all known claimants to include a provision to ensure the death claims are being fully resolved. I noticed that the attorneys representing survivors have not indicated that the estate claims for pain and suffering, medical and funeral expenses are being addressed. We do want to make sure ALL claims are resolved to the extent possible. We may not be able to force anyone to set up an estate, but we should ask on the

**EXHIBIT**  
**J**

front end.

Please take a look at my revised letter (attached) and let me know if I have your approval to send it out.

I know Jeanna called the attorneys yesterday to let them know this was coming.

Please call my cell at 404-295-5588 if you need to discuss further.

Thanks!

Mike

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**From:** Quackenbush, Andrew <Andrew.Quackenbush@ngic.com>  
**Sent:** Wednesday, September 05, 2018 2:59 PM  
**To:** Michael D. St. Amand <msaintamand@grsmb.com>; Megan E. Quisao <mquisao@grsmb.com>  
**Cc:** Salas, Stevie <Stevie.Salas@NGIC.COM>; Matoy, Jeanna <Jeanna.Matoy@NGIC.COM>  
**Subject:** 3433126

Hi Mike –

Hope all is well.

Just a quick question on this multiple fatality loss you are handling for a Global settlement conference. I believe it is to be held for 10/8/2018.

We received the first 2 demands via fax on 8/9/2018 requiring response within 30 days.

By setting up the GSC have we protect ourselves from any Holt type exposure? Is there anything else we need to be doing?

I just want to make sure we are okay as we are coming up on 30 days from our initial receipt of the demand via fax.

Thanks,

Andy

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